

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

vs.

ALDO LOPEZ, individually and d/b/a
TACQUERIA AGUILLIA,

Defendant.

Case No: C 12-5784 SBA

**ORDER STRIKING NON-
COMPLIANT MOTION AND
REFERRING MATTER TO
MAGISTRATE JUDGE**

On June 27, 2013, Plaintiff filed a 22-page Application for Default Judgment by the Court, which is noticed for hearing on September 17, 2013. Under this Court's Standing Orders, the maximum page limit for motions and oppositions thereto is fifteen pages. Dkt. 9 at 5. The Standing Orders further state that any brief filed "in an improper manner or form shall not be received or considered by the Court." Id. Since Plaintiff neither requested nor obtained leave to file an oversized brief, the Court strikes Plaintiff's non-compliant filing from the record. See Swanson v. U.S. Forest Serv., 87 F.3d 339, 345 (9th Cir. 1996) (courts have discretion to strike oversized briefs). Accordingly,

IT IS HERBY ORDERED THAT:

1. Plaintiff's Application for Default Judgment by the Court (Dkt. 26), including all supporting documents, shall be STRICKEN from the record.

2. By no later than July 18, 2013, Plaintiff shall refile its Application for Default Judgment by the Court which is compliant with the Court's Standing Orders. Upon filing, such motion shall be REFERRED to Magistrate Judge Joseph Spero for a report and recommendation. Said renewed application shall be filed and noticed in a manner consistent with Magistrate Judge Spero's Standing Orders.

1 3. In the event Plaintiff fails to comply with this Order, the Court will dismiss
2 the action for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

3 4. The motion hearing scheduled for September 17, 2013 is VACATED.

4 IT IS SO ORDERED.

5 Dated: July 11, 2013


SAUNDRA BROWN ARMSTRONG
United States District Judge